

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Greg Finch	Team: Squad #9	CCRB Case #: 201909642	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 10/29/2019 9:00 AM	Location of Incident: Inside 3230 Cruger Avenue	Precinct: 47	18 Mo. SOL 4/29/2021	EO SOL 12/14/2021	
Date/Time CV Reported Tue, 10/29/2019 9:27 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 11/06/2019 11:15 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Charles Alexander	04377	937958	047 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Kyron Delarosa	11960	960431	047 PCT
2. POM Ryan Duffany	04399	960483	047 PCT
3. POM Robert Bosland	27695	926590	047 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Charles Alexander	Force: Police Officer Charles Alexander used physical force against § 87(2)(b)	
B.POM Charles Alexander	Force: Police Officer Charles Alexander hit § 87(2)(b) against the ground.	
C.POM Charles Alexander	Off. Language: Police Officer Charles Alexander made remarks to § 87(2)(b) based upon race.	

Case Summary

On October 29, 2019, § 87(2)(b) filed this complaint on behalf of her 14-year-old son, § 87(2)(b) over the phone with IAB, generating log #19-39360. On November 6, 2019, the CCRB received the case.

On October 29, 2019, at approximately 9 a.m., § 87(2)(b) and his friends were trespassing inside of 3230 Cruger Avenue in the Bronx when they were approached and arrested for criminal trespass by officers from the 47th Precinct. PO Charles Alexander handcuffed § 87(2)(b) and asked him to sit down. When he refused, PO Alexander grabbed him by his body and forcibly pushed him down to the ground (**Allegation A: Force**, § 87(2)(g)). When § 87(2)(b) stood back up, PO Alexander grabbed him by the front of his jacket and pushed him backwards causing his legs to fly into the air and his head to make contact with the ground (**Allegation B: Force**, § 87(2)(g)). Prior to being placed in a patrol vehicle, § 87(2)(b) allegedly heard PO Alexander say to another officer, “This little nigger just called me a nigger.” (**Allegation C: Offensive Language**, § 87(2)(g)).

BWC footage was denied due to the videos depicting multiple minors, including unidentified minors, who the CCRB could not obtain unsealing orders for. Surveillance footage from the lobby of the building was obtained (Board Review 06).

Findings and Recommendations

Allegation (A) Force: Police Officer Charles Alexander used physical force against § 87(2)(b).

Allegation (B) Force: Police Officer Charles Alexander hit § 87(2)(b) against the ground.

It is undisputed that § 87(2)(b) and his friends had been trespassing and smoking marijuana inside of 3230 Cruger Avenue in the Bronx when PO Charles Alexander and other officers from the 47th Precinct arrived. It is undisputed that § 87(2)(b) and a couple of his friends were placed in handcuffs in the lobby of the building.

§ 87(2)(b) stated that after being placed in handcuffs, PO Alexander told him to sit down, and he refused. PO Alexander then approached § 87(2)(b) and pushed § 87(2)(b) down to the ground by his shoulders. § 87(2)(b) stiffened his body and continued to stand. PO Alexander pushed § 87(2)(b) down by placing his hands on his head and then used his right leg to “sweep” § 87(2)(b) legs off the ground, causing him to fall to the ground and hit the left side of his head against the lobby floor. This contact did not cause him any injuries. § 87(2)(b) stood back up and said, “I hate these niggers.” PO Alexander, who was speaking on his cell phone, put it down and told § 87(2)(b) never to call him a “nigger” again. PO Alexander then lifted § 87(2)(b) by grabbing his jacket at his forearms and lifting him as high off the ground as his arms could reach. PO Alexander then slammed § 87(2)(b) head-first onto the ground.

PO Alexander stated that he asked § 87(2)(b) six times to sit against the wall. He explained that because the officers were outnumbered, it was safer for them if the arrestees were seated. § 87(2)(b) refused saying, “Fuck you. I’m not sitting down.” PO Alexander went to handcuff another male. § 87(2)(b) repeatedly yelled, “Fuck nigger” at PO Alexander. PO Alexander said that § 87(2)(b) actions and behavior were “riling up the crowd.” PO Alexander grabbed § 87(2)(b) by his coat and pushed him down into a seated position. PO Alexander did not recall if he used a leg sweep to bring § 87(2)(b) to the ground. § 87(2)(b) stood back up and PO Alexander brought him back to the ground in the same manner as he did the first time: by grabbing him by his coat and pushing him down into a seated position. PO Alexander denied lifting § 87(2)(b) from the ground.

PO Alexander stated that he used force to bring § 87(2)(b) to the ground because he feared for his safety. He stated that when he was “scanning” the rest of the group, he saw one of the males, § 87(2)(b) “fidgeting” with his backpack and then saw a firearm slide across the floor

into the gap underneath the lobby mailboxes. PO Alexander did not make any mention of the presence of this firearm to his fellow officers on scene. PO Alexander later acknowledged not knowing what the object that slid underneath the mailboxes was and stated that, “It could have been a gun; it could have been drugs.” PO Duffany later found an imitation pistol under the mailboxes. He further feared for his safety because the officers were outnumbered by the juveniles in the building lobby, some of which were still unhandcuffed, and the officers had not yet searched any backpacks, which could have contained weapons. PO Alexander feared that § 87(2)(b) was “causing a distraction” and that one of the juveniles could grab the weapon under the mailboxes and use it against the officers. PO Alexander also stated that he did not cavity search § 87(2)(b) so it was possible that he missed a firearm on him and that his fear was due to the “element of the unknown.”

At 6 minutes and 15 seconds into the surveillance footage from Camera 13 in the lobby (file name \Camera13_20191029092659.avi), § 87(2)(b) who is in handcuffs, is seen standing against the back wall apparently speaking to PO Alexander, who stands a couple of feet in front of him handcuffing another male. None of the juveniles appear to be reacting to § 87(2)(b). At 6:21 into the video, PO Alexander approaches § 87(2)(b) and grabs him by the front upper part of his coat. PO Alexander appears to yell at § 87(2)(b) while his face is inches from § 87(2)(b). There are three additional officers in the lobby—two of them are interacting with two males in front of the mailboxes to the right, and one officer is standing to the left observing the interaction between PO Alexander and § 87(2)(b). After this action by PO Alexander, the officer to the left turns his back to the interaction (Board Review 06).

At 6:35 into the video, PO Alexander begins to step back and § 87(2)(b) steps forward, towards him. PO Alexander walks back toward § 87(2)(b) and grabs him somewhere about his body (where exactly is not clear from the video). The two of them struggle until § 87(2)(b) is on the ground. It is unclear what actions are taken by either of them at this point because one of the males moves to get a better view of what is happening, blocking their actions from the camera. The two of them continue to struggle as § 87(2)(b) stands back up. The officer who had turned his back to the interaction, walks toward the male who is blocking the camera’s view and walks him away from the interaction. At 6:50 into the video, PO Alexander grabs § 87(2)(b) by the front of his coat with one hand and forcefully pushes him backwards so that § 87(2)(b) legs fly into the air and he falls backward apparently hitting his head against the ground.

As seen in the video, there were five males, including § 87(2)(b) and two females in the lobby with the officers. At the time force was used, all of the males were in handcuffs, except for one, who was seated on the windowsill next to the mailboxes. The males and the officers stood in front of the mailboxes. The two females were not handcuffed: one stood on steps leading to an apartment to PO Alexander’s left and the other one stood next to her. They were both several feet from the males and the mailboxes. Video footage does not depict an object being slid under the mailboxes.

The investigation was unable to obtain BWC video footage given that they required unsealing orders from all the minors and many of them remained unidentified and unavailable to the investigation.

PO Alexander reported in his Threat, Resistance, Injury report that § 87(2)(b) was actively resisting and pushing/shoving PO Alexander (Board Review 01).

After watching the surveillance footage, PO Alexander stated that he could not identify the moment § 87(2)(b) § 87(2)(b) threw an unknown object under the mailboxes. PO Alexander acknowledged that § 87(2)(b) “active resistance, pushing/shoving” as noted in the TRI, is not depicted in the surveillance video. When asked how § 87(2)(b) was “riling” the nearby juveniles in the depicted video, PO Alexander said that the other juveniles were “bantering back and forth” and that the attention of the juveniles was drawn to PO Alexander and § 87(2)(b).

The investigation obtained the full IAB case file containing their investigation into this incident. They determined that PO Alexander used force outside Force Guidelines by using

Civilian and Officer CCRB Histories

- This is the first CCRB complaint involving § 87(2)(b)
- PO Alexander has been a member of service for 16 years and has been a subject to 12 additional CCRB complaints and 27 allegations, of which two were substantiated:
 - In CCRB case #201907896, an allegation of force was substantiated by the Board. Charges were recommended and the NYPD imposed charges. An allegation of discourtesy word was substantiated by the Board and Command Discipline A was recommended and the NYPD imposed charges. § 87(2)(g)

Mediation, Civil and Criminal Histories

- This case was not suitable for mediation.
- As of October 15, 2020, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards this to complaint.
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of convictions in New York City (Board Review 07).

Squad No.: 9

Investigator: _____
Signature Print Title & Name Date

Squad Leader: Monique West IM Monique West 12/13/2021
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date

